

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION**

MICHAEL DALE ROBINSON,	§	
Petitioner,	§	
	§	
v.	§	C.A. NO. C-05-058
	§	
DOUG DRETKE, DIRECTOR, TEXAS	§	
DEPARTMENT OF CRIMINAL	§	
JUSTICE-INSTITUTIONAL DIVISION,	§	
Respondent.		

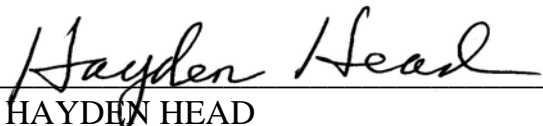
**MEMORANDUM OPINION AND ORDER DENYING PETITIONER'S MOTION
FOR EXTENSION OF TIME AND FOR A CERTIFICATE OF APPEALABILITY**

On December 21, 2005 the Court adopted the Magistrate Judge's Memorandum and Recommendation (D.E. 17) and dismissed Robinson's § 2254 habeas petition (D.E. 20). Final judgment was entered the same day (D.E. 21). In the Court's order dismissing Robinson's habeas petition, the Court denied a certificate of appealability. Nevertheless, on January 17, 2006 Robinson filed a notice of appeal to the U.S. Court of Appeals for the Fifth Circuit (D.E. 24), and on January 30, 2006 Robinson filed a Motion for Extension of Time and for a Certificate of Appealability (D.E. 22).

An appeal may not be taken from a final order in a habeas corpus proceeding unless a circuit or district judge issues a certificate of appealability. Fed. R. App. P. 22(b)(1); 28 U.S.C. § 2253(c)(1)(a). This Court has already declined to issue a

certificate of appealability. Therefore, Robinson's Motion for Extension of Time and for a Certificate of Appealability (D.E. 22) is DENIED as moot.

Ordered this 7 day of April, 2006.


HAYDEN HEAD
CHIEF JUDGE